



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/719,258	11/21/2003	Edward Paul Carlin	9433	2799
27752	7590	05/10/2006	EXAMINER	
THE PROCTER & GAMBLE COMPANY INTELLECTUAL PROPERTY DIVISION WINTON HILL TECHNICAL CENTER - BOX 161 6110 CENTER HILL AVENUE CINCINNATI, OH 45224			CRAIG, PAULA L	
			ART UNIT	PAPER NUMBER
			3761	

DATE MAILED: 05/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/719,258	CARLIN, EDWARD PAUL	
	Examiner	Art Unit	
	Paula L. Craig	3761	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4 and 9-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) 1-11 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/11/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's arguments with respect to Claims 1, 4, and 9-11 have been considered but are moot in view of the new ground(s) of rejection. In light of Applicant's amendment, new grounds of rejection are made for Claims 1, 4, and 9-11. See below. As to the election/restriction requirement, there is still no allowable generic or linking claim; Claims 2-3 and 5-8 remain withdrawn from consideration, as indicated in the prior Office Action mailed December 16, 2005.

Claim Rejections - 35 USC § 102

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 1, 4, 9, and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 3,834,389 to Dulle.
3. For Claim 1, Dulle teaches a tampon for feminine hygiene including an insertion end, a withdrawal end, a longitudinal axis, and an outer surface (Figs. 1-12 and col. 1, lines 5-9). The tampon has compressed fibrous material (col. 3, lines 45-51, col. 4, lines 6-12, and col. 6, lines 5-22). The outer surface of the tampon includes a plurality of raised portions (Fig. 2 shows four raised portions). Each of the raised portions has a first width dimension x, a first width dimension x¹, a second width dimension y, and a second width dimension y¹ (Fig. 2). The insertion end includes the first width dimension x and the second width dimension y, the withdrawal end includes the first width

dimension x^1 and the second width dimension y^1 , and the first width dimension x is greater than the second width dimension y (note that the raised portions are wider at the insertion end, Fig. 2).

4. For Claim 4, Dulle teaches the raised portions being arranged in a pattern (a cross shape, Fig. 2).

5. For Claim 9, Dulle teaches a core which is highly compressed (foam core layer 22, col. 3, lines 45-54, col. 4, lines 23-27, col. 6, lines 23-46, col. 7, lines 6-14, and Claims 1 and 5).

6. For Claim 10, Dulle teaches the withdrawal end including a withdrawal member (string 23, Fig. 3 and col. 3, line 66 to col. 4, line 1).

Claim Rejections - 35 USC § 103

7. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dulle in view of U.S. Patent No. 2,499,414 to Rabell.

8. For Claim 11, Dulle teaches all the limitations of Claim 1, as described above in paragraph 4. Dulle does not teach the withdrawal end including a finger indent. However, a finger indent in the withdrawal end is well known in the tampon art. Rabell teaches a tampon with a finger indent (recess 44, Figs. 8 and 10, col. 3, lines 19-24, and col. 5, lines 64-66). Rabell teaches that the finger indent accommodates the user's fingernail and also provides for packaging the withdrawal cord (col. 3, lines 19-25). It would have been obvious to one of ordinary skill in the art at the time of the invention by the applicant to modify Dulle to include a finger indent, as taught by Rabell, to

accommodates the user's fingernail and provide for packaging the withdrawal cord, as taught by Rabell.

Conclusion

9. Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paula L. Craig whose telephone number is (571)272-5964. The examiner can normally be reached on 8:30AM-5:00PM M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tanya Zalukaeva can be reached on (571)272-1115. The fax phone

Art Unit: 3761


number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Paula L Craig
Examiner
Art Unit 3761

PLC

TATYANA ZALUKAEVA
SUPERVISORY PRIMARY EXAMINER

A handwritten signature in black ink, appearing to read 'Tatyana', with a long, sweeping horizontal line extending to the right.